

1 SENATE JOINT RESOLUTION 9

2 **47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 GRANTING PRIOR APPROVAL TO THE PROPERTY CONTROL DIVISION OF THE
12 GENERAL SERVICES DEPARTMENT TO EXCHANGE STATE-OWNED LAND FOR
13 PRIVATE LAND ADJACENT TO THE FEDERAL BORDER CROSSING FACILITY
14 AT SANTA TERESA IN DONA ANA COUNTY.

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16 WHEREAS, Section 13-6-3 NMSA 1978 requires ratification
17 and approval of any sale, trade or lease for a period exceeding
18 twenty-five years of state property if the sale, trade or lease
19 is for consideration of one hundred thousand dollars (\$100,000)
20 or more; and

21 WHEREAS, Laws 1998, Chapter 7, Section 32 appropriated
22 nine hundred thousand dollars (\$900,000) to "make site
23 improvements and purchase and erect a modular office building
24 and equip a port-of-entry facility near Santa Teresa" on
25 approximately twelve and five hundred twenty-seven thousandths

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1 acres of land donated to the state in October 2000, which is
2 located approximately one-half mile north of the Santa Teresa
3 federal border crossing facility in Dona Ana county; and

4 WHEREAS, the state-owned land improvements include paved
5 access from Booth road to the Pete Dominici highway, with a
6 paved curb-and-gutter parking lot to accommodate approximately
7 fifty semi-trucks; connection to the local water system; a
8 septic system and leach field; and electric power with a one
9 hundred KVA transformer; and

10 WHEREAS, a modular office building of approximately one
11 thousand four hundred forty gross square feet, provided by the
12 federal motor carrier safety administration, is located on the
13 property, has an Americans with Disabilities Act of 1990-
14 compliant entry ramp and is wired for telephone and data, which
15 may be donated to the state when a new permanent facility is
16 completed; and

17 WHEREAS, inspections conducted at the federal port of
18 entry include compliance with federal requirements for customs,
19 immigration, agriculture and homeland security, but do not
20 include vehicle safety inspection; and

21 WHEREAS, the state conducts vehicle safety inspections at
22 the state port of entry, issues permits and collects fees and
23 other revenue owed to the state by commercial vehicles; and

24 WHEREAS, Booth road, which connects the federal and state
25 ports of entry, intersects with Cattlemen's drive (recently

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1 renamed "Bi-national avenue") and therefore can be used by
2 vehicles to circumvent the state port of entry vehicle safety
3 inspection, permits and fees collection; and

4 WHEREAS, proposed development will include another
5 opportunity for uninspected vehicles to circumvent the state
6 port of entry; and

7 WHEREAS, the permanent state port of entry requires
8 approximately twenty acres; and

9 WHEREAS, a private owner owns approximately eighteen and
10 eight hundred fifty thousandths acres of undeveloped land
11 immediately adjacent to the federal border crossing facility
12 intersected by Cattlemen's drive; and

13 WHEREAS, Dona Ana county owns Cattlemen's drive, and
14 approximately one and nineteen hundredths acres of that road
15 will be required for the new port-of-entry project; and

16 WHEREAS, relocating the state port of entry adjacent to
17 the federal port of entry removes the possibility of vehicles
18 avoiding safety inspections, permits, fees and taxes; and

19 WHEREAS, the private owner is willing to trade the parcel
20 adjacent to the federal facility for the site of the current
21 state port of entry;

22 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
23 STATE OF NEW MEXICO that the trade of the state-owned land
24 currently used as a state port of entry in Dona Ana county,
25 described as a certain parcel of land containing twelve and

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1 five hundred twenty-seven thousandths acres more or less,
2 situated within Section 7, Township 29S, Range 3E, New Mexico
3 Principal Meridian, Dona Ana county, New Mexico, and more
4 particularly described in a survey dated and recorded with the
5 Dona Ana county clerk on January 21, 2001 in book 249, pages
6 1350 to 1352, in exchange for private land adjacent to the
7 federal port of entry facility be ratified and approved
8 pursuant to the provisions of Section 13-6-3 NMSA 1978; and

9 BE IT FURTHER RESOLVED that the trade is contingent on
10 Dona Ana county transferring title to the property control
11 division of the general services department that portion of
12 Cattlemen's drive that intersects the proposed port of entry
13 site; and

14 BE IT FURTHER RESOLVED that both parcels shall be
15 appraised by one appraiser that is mutually agreeable to the
16 property control division of the general services department,
17 the private owner and the property tax division of the taxation
18 and revenue department; and

19 BE IT FURTHER RESOLVED that the appraisal of both parcels
20 shall be reviewed and validated by the property tax division of
21 the taxation and revenue department; and

22 BE IT FURTHER RESOLVED that the appraised value of the
23 state-owned property shall not be more than the appraised value
24 of the private property unless the owner of the private
25 property pays to the state the difference between the value of

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1 the parcels to be exchanged; and

2 BE IT FURTHER RESOLVED that copies of this resolution be
3 transmitted to the property control division of the general
4 services department, the border authority, the property tax
5 division of the taxation and revenue department and the private
6 landowner.

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